

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MONIQUE MOORE,)	CASE NO. 1:16 CV 3068
)	
Plaintiff,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
CUYAHOGA COUNTY, <i>et al.</i> ,)	<u>MEMORANDUM OPINION</u>
)	
Defendants.)	

This matter is before the Court on three Reports & Recommendations of Magistrate Judge Thomas M. Parker (ECF #44, #45 and #46) which recommend that the Motions to Dismiss of Defendants (ECF #33, #34 and #9 as supplemented by #35) be granted and that Plaintiff's Amended Complaint be dismissed. Plaintiff has filed objections to the Reports (ECF #48, #49 and #50) and Defendants have filed oppositions to Plaintiff's objections (ECF #51, #52 and #54). For the reasons that follow, the Reports and Recommendations of Magistrate Judge Parker will be adopted and Defendants' Motions to Dismiss will be granted.

Plaintiff Monique Moore has filed an Amended Complaint in this Court against Defendants Cuyahoga County, Cuyahoga County Court of Common Pleas ("CCP"), Cuyahoga County Probation Department, Maria Nemec, Michael Brady, and Christopher Russ¹. The Amended Complaint alleges that Plaintiff is a black woman, who is a probation officer with the CCP, and that Defendants Cuyahoga County, CCP, and the Probation Department are Plaintiff's

1

Plaintiff's original complaint was filed in the Court of Common Pleas for Cuyahoga County, Ohio and was removed to this Court on December 23, 2016. Plaintiff filed her Amended Complaint after the Defendants' Motions to Dismiss were fully briefed.

employers in one capacity or another. (Am. Compl. ¶¶ 16-17) Individual Defendants Nemec and Brady are also employees of the “defendant-entities” and Defendant Russ is an officer of the CCP. She alleges that all of the individual Defendants are her supervisors. (Id. ¶ 18)

Plaintiff alleges that beginning in 2008 and continuing to the present, Defendants collectively subjected Plaintiff to a pattern and practice of numerous adverse employment actions in retaliation for her filing charges of discrimination with the EEOC. (Id. ¶ 20) While Plaintiff repeatedly alleges that Defendants subjected her to numerous adverse employment actions, she never describes any of the alleged adverse actions. She complains that Defendant Brady repeatedly issued Status Reports and other documents relating to Plaintiff’s probationers in her name. (Id. ¶¶ 24, 28, 37, 39) Plaintiff also alleges that beginning in 2008, she attempted to participate in the interview process for supervisory positions, and although highly qualified, she was denied completion of the interview process while less qualified Caucasian probation officers were allowed to complete the process. (Id. ¶ 25-26) Plaintiff states that she exposed the Defendants’ practice of allowing hazardous urine-stained documents to be presented to probation officers as part of case files, forcing Defendants to change the practice.

On the basis of these allegations, Plaintiff asserts two claims. Count One is entitled Equal Employment Opportunity and Civil Rights Violations and alleges that Defendants breached Plaintiff’s rights in violation of Title VII of the Civil Rights Act of 1964, (“Title VII”), 42 U.S.C. § 1981, and Ohio Revised Code Chapter 4112. Count Two is entitled Violation of Civil Rights and Unlawful Retaliation and alleges that Defendants violated 42 U.S.C. § 1981, and § 2000e-3(a) by discriminating and retaliating against her.

Magistrate Judge Parker determined that all three of the pending Motions to Dismiss

should be granted because Plaintiff has failed to state a claim upon which relief may be granted. All of the claims asserted by Plaintiff require that she allege facts showing that her employer made an adverse employment action against her. However, even after having the opportunity to review the first round of motions to dismiss where this issue was raised, Plaintiff failed to plead additional factual allegations describing the adverse employment actions she allegedly suffered. Rather, the Amended Complaint merely makes repeated conclusory statements that “Defendants collectively subjected Plaintiff to a pattern and practice of numerous adverse employment actions.” Plaintiff’s formulaic recitation of the elements of her claim stops short of the line between possibility and plausibility, and as such, Plaintiff has failed to state a claim under the *Iqbal/Twombly* standard of review.

Additionally, Magistrate Judge Parker determined that Defendant Cuyahoga County’s Motion to Dismiss should be granted for the additional reason that Plaintiff failed to allege sufficient facts to support her allegation that the County is her employer. Finally, Magistrate Judge Parker determined that the claims against the Court of Common Pleas and the Cuyahoga County Probation Department should be dismissed for the additional reason that neither entity is *sui juris*.

Plaintiff has filed objections to all three Reports and Recommendations and Defendants have filed responses. The Court has reviewed *de novo* those portions of the Magistrate Judge’s Reports and Recommendations to which objections have been made. *See* FED. R. CIV. P. 72(b). The Court finds Magistrate Judge Parker’s Reports and Recommendations to be thorough, well-written, well-supported, and correct. The Court finds that Plaintiff’s objections raise no arguments (factual or legal) that have not been fully addressed by the Magistrate’s Reports and

Recommendations.

Magistrate Judge Parker's Reports and Recommendations fully and correctly address all of the Plaintiff's claims and the Plaintiff's objections are unwarranted. This Court, therefore, adopts the Magistrate's Reports in their entirety, over the Plaintiff's objections.

CONCLUSION

For the reasons set forth above, the Reports and Recommendations of Magistrate Judge Parker (ECF # 44, #45 and #46) are ADOPTED. Defendants' Motions to Dismiss (ECF #33, #34 and #9 as supplemented by #35) are GRANTED. The Amended Complaint is DISMISSED IN ITS ENTIRETY.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: September 18, 2017